GALLAGHER & KENNEDY
A PROFESSIONAL ASSOCIATION

January 5, 2000

VIA FACSIMILE - 263-8185

Jeffrey C. Brodin, Esq.
Maynard, Murray, Cronin & O'Sullivan, PLC
3200 North Central Avenue
Suite 2300
Phoenix, AZ 85012

Re: TriCity Behavioral Health Services, Inc. v. ComCare, et. al.

Dear Jeff:

I am having copies of ComCare's contract with the Arizona Department of Health Services made and will deliver a copy to you this afternoon. As you know, the Court's Order requires that either ComCare and/or AHCCCS provide a copy of this contract to the Court. Nowhere in the Order does it state that ComCare is required to produce to you the original Request for Proposal. Additionally, as you will note from reviewing the contract, the Request for Proposal is not a part of the contract.

My recollection is that you first requested a copy of this contract during the briefing process in Superior Court. Apparently, because either the contract was not part of the record or due to our oversight, we did not forward a copy to

you at that time. With respect to the Request for Proposal, although it is not part of the contract and is not part of the record, I would provide a copy to you, if I had a copy. Prior to the administrative hearing in this matter last year, I was unable to locate a copy of the RFP in ComCare's files. It is my recollection that either AHCCCS or the Department of Health Services might have a copy of the RFP. Nevertheless, because it is not part of the contract, it is irrelevant.

Very truly yours,

GALLAGHER & KENNEDY, P.A.

By: James R. Taylor

JRT:min
cc: Donald D. Skypeck, Esq.

APPENDIX ITEM
X.

Logan T. Johnston, No. 009484
JOHNSTON & DODD, P.L.C.
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Phoenix, Arizona 85004
(602) 452-0600

Attorney for Defendant

IN THE SUPERIOR COURT
OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

TRICITY BEHAVIORAL HEALTH SERVICES, INC., an Arizona nonprofit corporation,	)	
Plaintiff,	)	No. CV 99-13055
v.	)	NOTICE OF NOMINAL PARTY STATUS
COMCARE, an Arizona nonprofit corporation, PHYLLIS BIEDESS in her official capacity as the Director of the Arizona Health Care Cost Containment System ("AHCCCS"), and ADHS.	)	
Defendants.	)	
COMCARE, an Arizona nonprofit corporation, PHYLLIS BIEDESS in her official capacity as the Director of the Arizona Health Care Cost	)	

Containment System ("AHCCCS"), And AHCCCS.	)	
Plaintiff,	)	(Assigned to the Honorable Susan R. Bolton)
v.	)	
TRICITY BEHAVIORAL HEALTH SERVICES, INC., an Arizona nonprofit corporation,	)	No. CV 99-13611
Defendants.	)	

Defendant Arizona Health Care Cost Containment System Administration ("AHCCCS") hereby gives notice of its intent to maintain nominal party status for purposes of A.R.S. § 12-348 (H)(4) and participate in the proceedings only by filing an Answer and certifying the Administrative Record as required by law.

RESPECTFULLY SUBMITTED this 19th day of August, 1999.

JOHNSTON & DODD, P.L.C.

By: s/Logan Johnston
One North First Street, Suite 700
Phoenix, Arizona 85004
Attorney for Defendant